

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PROVIDENT GROUP – EMU
PROPERTIES LLC, et al.,

Plaintiffs,

v.

Case No. 23-10644
Honorable Victoria A. Roberts

THE BOARD OF REGENTS OF
EASTERN MICHIGAN UNIVERSITY,

Defendant.

_____ /

ORDER DISMISSING CASE WITHOUT PREJUDICE

Plaintiffs brings this case against The Board of Regents of Eastern Michigan University. They allege four counts of breach of contract and a count for declaratory judgment. Plaintiffs say the Court has diversity jurisdiction over the case pursuant to 28 U.S.C. § 1332 because “there is complete diversity of citizenship among the parties.”

However, for purposes of this suit, Eastern Michigan University is a state entity and/or arm of the State of Michigan. *See Est. of Ritter v. Univ. of Michigan*, 851 F.2d 846, 851 (6th Cir. 1988); *Hill v. Bd. of Trustees of Michigan State Univ.*, 182 F. Supp. 2d 621, 625 (W.D. Mich. 2001); Mich. Const. Art. 8, § 4 (“The legislature shall appropriate moneys to maintain . . . Eastern Michigan University. . . .”).

It is well-settled that a state is not a “citizen” for purposes of diversity jurisdiction; this also applies to any entity that is an arm or alter ego of the state. *Moor v. Alameda Cnty.*, 411 U.S. 693, 717 (1973); *Lansing Cmty. Coll. v. Nat’l Union Fire Ins. Co. of Pittsburgh, PA*, No. 09-CV-111, 2009 WL 3336067, at *1 (W.D. Mich. Oct. 14, 2009) (citing *State Highway Comm’n v. Utah Constr. Co.*, 278 U.S. 194, 199 (1929)).

Because The Board of Regents of Eastern Michigan University is not a “citizen” for purposes of diversity jurisdiction, diversity jurisdiction does not exist, and the Court must dismiss the case for lack of subject matter jurisdiction.

The Court **DISMISSES** the case **WITHOUT PREJUDICE**.

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 22, 2023